



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,972	08/19/2003	Don W. Phillips	PLD 301	7571

23581 7590 02/14/2005

KOLISCH HARTWELL, P.C.  
520 S.W. YAMHILL STREET  
SUITE 200  
PORTLAND, OR 97204

EXAMINER

LORENCE, RICHARD M

ART UNIT	PAPER NUMBER
----------	--------------

3681

DATE MAILED: 02/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/644,972

Applicant(s)

PHILLIPS, DON W.

Examiner

Richard M. Lorence

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-15,17-20,22-34 and 36-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-15,17-20,22-34 and 36-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This action is in response to the amendment filed on November 6, 2004. The specification and claims 1, 3, 4, 20, 22, 23 have been amended and claims 2, 16, 21 and 35 have been cancelled. Claims 1, 3-15, 17-20, 22-34 and 36-38 remain pending.

#### ***Claim Objections***

Claims 18, 19, 37 and 38 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The limitation regarding the subregion is included in claims 1 and 20 as amended.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-15, 17-20, 22-34 and 36-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen '624 which discloses a ratchet 1 including a handle 10 and a head 11. The head includes a substantially silent motion-prevention mechanism including a first component formed of a first subcomponent 30 with legs 31 and a

second subcomponent 20. The first component defines a path structure 20A-E. The path structure includes a central region 20B whereat a second component 32 in the form of rollers are allowed to move, flanked by outer regions 20C, 20D which are constructed so as to prevent movement of the rollers as described at column 3, lines 47-61. Note that the first component includes plural paths and the second component includes a plurality of rollers. Also note the subregion in the form of a depression 20E as described at column 3, line 62 to column 4, line 4.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-15, 17-20, 22-34 and 36-38 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Kounovsky '621 in view of Chen '624.

Kounovsky '621 discloses a ratchet 1 including a handle 2 (Figure 1) and a head (shown in detail in Figure 2). The head includes a substantially silent motion-prevention mechanism including a first component formed of a first subcomponent 18 with legs 19 and a second subcomponent 13. The first component defines a path structure 15. The path structure includes a central region whereat a second component 17 in the form of rollers are allowed to move, flanked by outer regions 16 which are

constructed so as to prevent movement of the rollers as described at page 2, lines 26-49. Note that in each of the embodiments of Fig. 4 and Fig. 6 the first component includes plural paths and the second component includes a plurality of rollers.

Kounovsky does not disclose the subregion of the central region.

Chen '621 discloses a similar ratchet device wherein the central region of the first component includes a subregion in the form of a depression 20E. Chen suggests at column 3, line 62 to column 4, line 4 that by providing the depression the second component in the form of rollers can be positioned in a beginning position whereat the roller 32 can be prevented from sliding contact with the side wall 20A which advantageously permits relatively low precision in the assembly of the device.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the path structure of Kounovsky with a depression of the type suggested by Chen in order to realize the desirable result taught by Chen.

### ***Response to Arguments***

Applicant's arguments filed November 26, 2004 have been fully considered but they are not persuasive.

Applicant argues that "nowhere does Kounovsky or Chen show or suggest, as amended independent claims 1 and 20 require a mechanism/ratchet with a 'first component [that] is constructed to define path structure with a central region that allows movement of the second component and an outer region that prevents movement of the

second component, and the central region includes a subregion constructed to position the second component in a beginning location in the central region."

As was specifically pointed out in the previous Office action and repeated hereinabove, Chen discloses a first component which defines a path structure including a central region 20B whereat a second component 32 is allowed to move, flanked by outer regions 20C, 20D which are constructed so as to prevent movement of the second component, and the subregion in the form of a depression 20E.

### ***Conclusion***


**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard M. Lorence whose telephone number is (703) 308-3062. The examiner can normally be reached on Mondays through Fridays from 9:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (703) 308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Richard M. Lorence  
Primary Examiner  
Art Unit 3681

Lorence/rml